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BASEL CONVENTION

Open-ended Working Group of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal
Eleventh meeting
Geneva, 3–6 September 2018
Item 3 (b) (v) of the provisional agenda*

Matters related to the work programme of the Open-ended Working Group for 2018–2019: scientific and technical matters: waste containing nanomaterials

Waste containing nanomaterials

Note by the Secretariat

I. Introduction

1. In paragraph 5 of decision BC-13/17, the Conference of the Parties to the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal requested the Secretariat to prepare for consideration by the Open-ended Working Group at its eleventh meeting and subject to the availability of resources, a document compiling information on existing activities that address waste containing nanomaterials and identifying issues related to waste containing nanomaterials that may be relevant to work under the Convention and on options for further work that may be carried out under the Basel Convention related to waste containing nanomaterials within the scope of the Convention, avoiding duplication with activities relating to the matter in other forums.

II. Implementation

2. To assist in collecting information for preparing the above-mentioned document on waste containing nanomaterials, the Secretariat invited Parties and others to provide information on existing activities that address waste containing nanomaterials and issues related to such wastes that may be relevant to the work under the Basel Convention. In response to the invitation, four Parties[1] provided information to the Secretariat (see UNEP/CHW/OEWG.11/INF/24).

3. The Secretariat, with the financial support of the Government of Switzerland, engaged consultants to assist in collecting information on existing activities that address waste containing nanomaterials, in identifying issues related to such waste and in preparing recommendations on options for further work that may be carried out under the Basel Convention related to such waste. A report identifying issues related to waste containing nanomaterials that may be relevant to work under the Basel Convention and setting out options for further work that may be carried out under the Convention related to such waste is set out in document UNEP/CHW/OEWG.11/INF/24.

* UNEP/CHW/OEWG.11/1.

[1] Germany, Mexico, the Philippines and Thailand.

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III. Proposed action

4. The Open-ended Working Group may wish to take note of the report identifying issues related to waste containing nanomaterials that may be relevant to work under the Basel Convention and setting out options for further work that may be carried out under the Convention related to such waste (UNEP/CHW/OEWG.11/INF/24) and to consider further work that may be carried out in relation to waste containing nanomaterials, taking the aforementioned report into account.

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BASEL CONVENTION

Open-ended Working Group of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal
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Item 3 (c) (i) of the provisional agenda*

Matters related to the work programme of the Open-ended Working Group for 2018–2019: legal, governance and enforcement matters: consultation with the Committee Administering the Mechanism for Promoting Implementation and Compliance

Consultation with the Committee Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention

Note by the Secretariat

I. Introduction

1. In its decision BC-13/9, the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal approved the work programme of the Committee Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention for the biennium 2018–2019 set out in the annex to that decision.

2. Among the activities of the work programme is the finalization of the following documents, including through consultation with the Open-ended Working Group, for consideration and possible adoption by the Conference of the Parties at its fourteenth meeting: guidance to improve the implementation of paragraph 11 of Article 6 of the Convention on insurance, bond and guarantee (UNEP/CHW.13/INF/24); the revised version of the Committee's guidance on improving national reporting (UNEP/CHW.13/INF/59) in the light of the revised reporting format adopted in decision BC-12/6 as amended by decision BC-13/9; the guide for the development of national legal frameworks to implement the Basel Convention (UNEP/CHW.13/INF/27); and the development of draft guidance on the implementation of paragraph 4 of Article 6 of the Convention, taking into account the report on the implementation of and compliance with paragraph 4 of Article 6 of the Basel Convention on transit transboundary movements (UNEP/CHW/CC.12/11/Add.1, annex), in particular its paragraphs 81–83.

* UNEP/CHW/OEWG.11/1.

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3. In the same decision, the Conference of the Parties invited Parties to submit comments on the revised version of the Committee's guidance on improving national reporting, the guide for the development of national legal frameworks to implement the Basel Convention and the guidance to improve the implementation of paragraph 11 of Article 6 of the Convention to the Secretariat by 30 September 2017 for consideration by the Committee. In addition, the Conference of the Parties requested the Committee to consult Parties, in advance of the fourteenth meeting of the Conference of the Parties, on a draft work programme for 2020–2021.

4. In its decision BC-13/17, whereby it adopted the work programme of the Open-ended Working Group for the biennium 2018–2019, the Conference of the Parties, among other things, mandated the Open-ended Working Group to consult with the Committee on the finalization of the guidance to improve the implementation of paragraph 11 of Article 6 of the Convention and on other matters as decided by the Committee.

II. Implementation

5. The Secretariat received a financial contribution from the European Union that enabled it to retain a consultant to assist the Committee in undertaking activities of its work programme pertaining to the development of guidance.

6. Pursuant to the invitation set out in decision BC-13/9, Canada, Colombia, the European Union and its member States and Malaysia submitted comments on the draft guidance to improve the implementation of paragraph 11 of Article 6 of the Convention;[1] Colombia, the European Union and its member States and Malaysia submitted comments on the draft guidance on improving national reporting;[2] and Canada, the European Union and its member States and Malaysia submitted comments on the draft guide for the development of national legal frameworks to implement the Basel Convention.[3]

7. The revised draft guidance to improve the implementation of paragraph 11 of Article 6 of the Convention, developed by the Committee taking into account the comments received, is set out in document UNEP/CHW/OEWG.11/INF/25. The revised draft guidance on improving national reporting, developed by the Committee taking into account the comments received, is set out in document UNEP/CHW/OEWG.11/INF/26. The revised draft guide for the development of national legal frameworks to implement the Basel Convention, taking into account the comments received, is set out in document UNEP/CHW/OEWG.11/INF/27.

8. The Committee developed a first draft of guidance on the implementation of paragraph 4 of Article 6 of the Convention on transit transboundary movements for consultation with the Open-ended Working Group, set out in document UNEP/CHW/OEWG.11/INF/28. A draft work programme for 2020–2021 for the Committee, also for consultation with the Open-ended Working Group, is set out in document UNEP/CHW/OEWG.11/INF/29.

III. Proposed action

9. The Open-ended Working Group may wish to adopt a decision along the following lines:

The Open-ended Working Group

1. *Welcomes* the work undertaken by the Committee Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention and the opportunity to be consulted in the context of the Committee's finalization of guidance to improve the implementation of paragraph 11 of Article 6 of the Convention,[4] the revised version of the Committee's guidance on improving national reporting,[5] the guide for the

[1] The comments are available at http://www.basel.int/Implementation/LegalMatters/Compliance/GeneralIssuesActivities/Activities201819/Insurance,bondandguarantee/tabid/6123/Default.aspx.

[2] The comments are available at http://www.basel.int/Implementation/LegalMatters/Compliance/GeneralIssuesActivities/Activities201819/Nationalreportingguidance/tabid/6124/Default.aspx.

[3] The comments are available at http://www.basel.int/Implementation/LegalMatters/Compliance/GeneralIssuesActivities/Activities201819/Nationallegislation/tabid/6141/Default.aspx.

[4] UNEP/CHW/OEWG.11/INF/25.

[5] UNEP/CHW/OEWG.11/INF/26.

development of national legal frameworks to implement the Basel Convention,[6] the development of guidance on the implementation of paragraph 4 of Article 6 of the Convention on transit transboundary movements[7] and the development of the draft work programme of the Committee for 2020–2021;[8]

2. *Invites* the Committee to finalize the documents referred to in paragraph 1 above by 31 October 2018, taking into account the outcome of its consultations with the eleventh meeting of the Open-ended Working Group, for consideration and possible adoption by the Conference of the Parties at its fourteenth meeting.

[6] UNEP/CHW/OEWG.11/INF/27.

[7] UNEP/CHW/OEWG.11/INF/28.

[8] UNEP/CHW/OEWG.11/INF/29.

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Matters related to the work programme of the Open-ended Working Group for 2018–2019: legal, governance and enforcement matters: providing further legal clarity

Providing further legal clarity

Note by the Secretariat

I. Introduction

A. Review of Annexes I, III and IV and related aspects of Annex IX to the Basel Convention

1. By its decision BC-13/2, on the follow-up to the Indonesian-Swiss country-led initiative to improve the effectiveness of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Conference of Parties, among other things, established an expert working group on the review of the Annexes with a mandate and terms of reference as set out in annex II to that decision.

2. In the same decision, the Conference of Parties requested each regional group to nominate, through its Bureau representative and by 15 July 2017, 10 experts with relevant expertise to serve as members of the expert working group. It invited Parties to serve as lead countries for the review of Annex IV and related aspects of Annex IX and/or Annexes I and III, and agreed that the expert working group should give higher priority to work on Annex IV and related aspects of Annex IX during the next biennium. It also invited Parties and observers involved in the expert working group to submit, taking into account the report from Canada on the review of Annexes I, III and IV and related aspects of Annex IX to the Convention (UNEP/CHW.13/INF/10, annex), comments on that review to the Secretariat by 30 September 2017 for consideration by the expert working group and requested the Secretariat to publish any such comments on the Basel Convention website. Finally, the Conference of Parties requested the Secretariat to report on the implementation of the same decision to the Open-ended Working Group at its eleventh meeting and to the Conference of the Parties at its fourteenth meeting.

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B. Review of Annexes II, VIII and IX to the Basel Convention

3. By its decision BC-13/17, on the work programme and operations of the Open-ended Working Group for the biennium 2018–2019, the Conference of Parties, among other things, invited Parties and others to submit comments on whether to consider the review of Annexes II, VIII and IX to the Basel Convention, taking into account the approach outlined in annex II of document UNEP/CHW.12/INF/52, and requested the Secretariat to compile the comments submitted for consideration by the Open-ended Working Group at its eleventh meeting.

4. In the same decision, the Conference of Parties also adopted the work programme of the Open-ended Working Group for the biennium 2018–2019, annexed to that decision, whereby it, among other things, mandated the Open-ended Working Group to consider whether to review Annexes II, VIII and IX to the Convention.

II. Implementation

A. Review of Annexes I, III and IV and related aspects of Annex IX to the Basel Convention

5. As at 3 April 2018, a total of 36 experts had been nominated by the regional groups to serve as members of the expert working group and 26 representatives of Parties and observers had expressed interest in participating in the group.[1] As at that same date, no Party had expressed interest in serving as lead country for the review of Annex IV and related aspects of Annex IX and/or Annexes I and III.

6. Pursuant to the invitation set out in decision BC-13/2 for Parties and observers involved in the expert working group to submit comments on the review of Annexes I, III and IV and related aspects of Annex IX to the Convention to the Secretariat by 30 September 2017, a total of eight submissions were received by the Secretariat.[2] These submissions were made available on the website of the Convention.[3]

7. Working by electronic means, the expert working group elected Ms. Jacinthe Séguin (Canada) and Mr. Joost Meijer (Chile) as co-chairs of the expert working group, the former initially serving until the eleventh meeting of the Open-ended Working Group.

8. Also working by electronic means, including by holding online consultations on 2 November 2017, the expert working group agreed on a workplan until the eleventh meeting of the Open-ended Working Group focusing on the review of Annex IV and related aspects of Annex IX (B1110) to the Convention and providing for a face-to-face meeting to be held subject to the availability of funding.

9. On 24 November 2017, the Secretariat invited the members of and observers to the expert working group to submit comments on the review of Annex IV and related aspects of Annex IX (B1110) to the Convention by completing, by Tuesday 30 January 2018, the tables set out in the three working documents prepared by the co-chairs.

10. The 17 submissions received on the three working documents of the co-chairs, including one submission on behalf of the European Union and its member States and three submissions by observers, are available on the website of the Convention.[4]

11. The expert working group subsequently met for online consultations on 20 February 2018 and, following the provision of generous financial support by the Government of Japan, held its first meeting in Geneva from 20 to 23 March 2018.[5]

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[1] For the full list of members and observers, see http://www.basel.int/Implementation/LegalMatters/LegalClarity/ReviewofAnnexes/AnnexesI,III,IVandrelatedaspectsofAnnexIX/ExpertWorkingGroup/tabid/6105/Default.aspx.

[2] Submissions received from Argentina, Canada, Colombia, the European Union and its member States, India, the State of Palestine, Switzerland and Tunisia.

[3] See the first table at http://www.basel.int/Implementation/LegalMatters/LegalClarity/ReviewofAnnexes/AnnexesI,III,IVandrelatedaspectsofAnnexIX/Activities20182019/tabid/6125/Default.aspx.

[4] See the second table at http://www.basel.int/Implementation/LegalMatters/LegalClarity/ReviewofAnnexes/AnnexesI,III,IVandrelatedaspectsofAnnexIX/Activities20182019/tabid/6125/Default.aspx.

[5] Information about and meeting documents for the first meeting of the expert working group on the review of the Annexes are available at http://www.basel.int/Implementation/LegalMatters/LegalClarity/Meetings/1stRAEWGmtg/tabid/6237/Default.aspx.

12. Information pertaining to the first meeting of the expert working group, including documents and the report of the meeting, are available on the website of the Convention.[6] A note by the co-chairs of the group on the way forward for the review of Annexes I, III and IV and related aspects of Annex IX to the Basel Convention, for the consideration of the Open-ended Working Group, is set out in the annex to document UNEP/CHW/OEWG.11/INF/30.

B. Review of Annexes II, VIII and IX to the Basel Convention

13. As at 27 April 2018, pursuant to the invitation set out in decision BC-13/17, comments on whether to consider the review of Annexes II, VIII and IX to the Basel Convention were submitted by Argentina, the Central African Republic, Iraq, Madagascar and the Philippines. The comments were made available on the website of the Convention[7] and are set out in the annex to document UNEP/CHW/OEWG.11/INF/31.

III. Proposed action

14. The Open-ended Working Group may wish to adopt a decision along the following lines:

The Open-ended Working Group

1. *Welcomes* the work undertaken by the expert working group on the review of Annexes I, III and IV and related aspects of Annex IX to the Basel Convention and takes note of the note by its co-chairs on the way forward;[8]

2. *Also welcomes* the comments submitted by Parties on whether to consider the review of Annexes II, VIII and IX to the Basel Convention;[9]

3. *Encourages* Parties and others that have not done so to submit by 31 October 2018 comments on whether to consider the review of Annexes II, VIII and IX to the Basel Convention, taking into account the approach outlined in annex II to document UNEP/CHW.12/INF/52;

4. *Requests* the Secretariat to compile the comments referred to in paragraph 2 above and received pursuant to paragraph 3 above for consideration by the Conference of the Parties at its fourteenth meeting;

5. *Recommends* that the Conference of the Parties at its fourteenth meeting consider whether to review Annexes II, VIII and IX to the Basel Convention.

15. The Open-ended Working Group may also wish to consider any further action on this issue, including those recommended actions included in the note by the co-chairs of the group on the way forward for the review of Annexes I, III and IV and related aspects of Annex IX to the Basel Convention set out in the annex to document UNEP/CHW/OEWG.11/INF/30.

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[6] See http://www.basel.int/Implementation/LegalMatters/LegalClarity/MeetingsWorkshops/1stRAEWGmtg/tabid/6237/Default.aspx.

[7] See http://www.basel.int/Implementation/LegalMatters/LegalClarity/ReviewofAnnexes/AnnexesII,VIIIandIX/tabid/6270/Default.aspx.

[8] UNEP/CHW/OEWG.11/INF/30.

[9] UNEP/CHW/OEWG.11/INF/31.

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Matters related to the work programme of the Open-ended Working Group for 2018–2019: international cooperation and coordination: Basel Convention Partnership Programme

Basel Convention Partnership Programme

Note by the Secretariat

I. Introduction

1. In paragraph 6 of its decision BC-13/12, on the Partnership for Action on Computing Equipment, the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal disbanded the Working Group of the Partnership for Action on Computing Equipment. In paragraph 8 of the same decision, the Conference of the Parties invited interested Basel Convention regional and coordinating centres to take the lead in the implementation of activities listed in the work programme set out in the concept note on a follow-up partnership to the Partnership for Action on Computing Equipment (UNEP/CHW.13/INF/31/Rev.1, annex II) and, based on the work undertaken, to propose further development of the concept at the regional or international level, as the need arises. Furthermore, the Conference of the Parties invited interested centres to report, through the Secretariat, on the implementation of paragraph 8 of the same decision to the Open-ended Working Group at its eleventh meeting.

2. In paragraphs 2 and 3 of decision BC-13/14, on creating innovative solutions through the Basel Convention for the environmentally sound management of household waste, the Conference of the Parties decided to establish a working group of the household waste partnership that would be responsible for overseeing organizational matters pertaining to the implementation of the partnership's activities and adopted the terms of reference for the household waste partnership (UNEP/CHW.13/INF/33/Rev.1, annex II). In paragraph 7 of the same decision, the Secretariat was requested to facilitate and provide expertise to the partnership, subject to the availability of funds, and to report on progress in the implementation of decision BC-13/14 to the Open-ended Working Group at its eleventh meeting.

3. In paragraph 15 of decision BC-13/24, on the programme of work and budget for the Basel Convention for the biennium 2018–2019, the Conference of the Parties took note of the funding estimates included in table 1 of the decision for activities under the Convention to be financed from the Technical Cooperation Trust Fund, including with respect to budget activity fact sheet 18 on partnerships for technical assistance, submitted to the Conference of the Parties at its thirteenth

* UNEP/CHW/OEWG.11/1.

meeting,[1] which, among other things, provide for the development of a report evaluating past and ongoing partnerships to assist the Conference of the Parties in further developing target-oriented and successful partnerships.

II. Implementation

A. Follow-up to the Partnership for Action on Computing Equipment

4. During the annual meeting of the regional centres of the Basel Convention and the Stockholm Convention on Persistent Organic Pollutants held in Barcelona, Spain, from 6 to 8 November 2017, the Secretariat organized a session to discuss the concept for a follow-up partnership to the Partnership for Action on Computing Equipment. Furthermore, the Secretariat organized online meetings to coordinate the work of the centres undertaken pursuant to the invitations set out in decision BC-13/12. Further information is made available for the consideration of the Open-ended Working Group in document UNEP/CHW/OEWG.11/INF/32.

B. Household waste partnership

5. In a letter dated 2 June 2017 related to calls for information in follow-up to the decisions taken by the Conference of the Parties to the Basel Convention at its thirteenth meeting, the Secretariat requested Parties and other stakeholders to indicate their interest in becoming a member of the household waste partnership working group. As at 31 March 2018, the membership of the working group was composed of representatives of 52 Parties, 1 signatory, 4 intergovernmental organizations, 13 regional centres, 2 industry associations, 1 municipality, 12 non-governmental organizations and 2 private sector organizations. The Secretariat developed a web portal for the exchange of information among the members of the working group and invited its members to register for its use. Thanks to generous funding provided by Switzerland, the Secretariat retained the services of a consultancy company to develop an outline of an overall guidance document on the environmentally sound management of household waste for consideration by the working group at its first meeting. Thanks to generous funding provided by the Governments of Norway and Switzerland, the first meeting of the household waste partnership working group will take place in Port Louis from 14 to 17 May 2018. The report of the meeting will be made available on the website of the Convention.[2] Draft modules for the overall guidance document on the environmentally sound management of household waste are set out in document UNEP/CHW/OEWG.11/INF/33.

C. Further developing partnerships

6. The programme of work for the Basel Convention for the biennium 2018–2019 envisions two types of partnerships in support of promoting the objectives of the Basel Convention. The first type are global partnerships established by the Conference of the Parties to the Basel Convention and for which the Secretariat provides secretariat services. Over time such partnerships have included the Mobile Phone Partnership Initiative, the Partnership for Action on Computing Equipment, the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic[3] and, most recently, the household waste partnership.[4]

7. The second type of partnerships are those established with partners with a view to expanding the reach of the Convention, for instance by promoting the use of guidelines and tools developed under the Convention, increasing the Convention's visibility and raising awareness among a variety of stakeholders about the Convention's objectives and provisions. Cooperation through partnerships allows the exchange of Convention-related expertise with technical assistance programmes and networks of partners and their constituencies. Through cooperation with academic institutions, training curricula related to the Convention's objectives have been developed and the number of experts on Convention topics in the medium-term has increased. An important additional aspect of partnerships is the increased linkage between regional centres and partnership networks, which has helped to position regional centres as project executing agencies.

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[1] UNEP/CHW.13/INF/52/Rev.1.

[2] http://www.basel.int/Implementation/HouseholdWastePartnerships/Meetings/1stHWPMay2018/tabid/6298/Default.aspx.

[3] Established by the Conference of the Parties to the Basel Convention at its eleventh meeting (decision BC-11/8).

[4] Whose terms of reference were adopted by the Conference of the Parties to the Basel Convention at its thirteenth meeting (decision BC-13/14).

8. Pursuant to decision BC-10/19, on the Basel Convention Partnership Programme, the Secretariat has continuously followed international developments in respect of public and private partnerships on waste-related issues to seek to expand involvement in such partnerships. Currently, examples of such partnerships include the Global Partnership on Waste Management,[5] the Sustainable Recycling Industries initiatives[6] and the Solving the E-waste Problem initiative.[7] These monitoring activities also provide the Secretariat with the opportunity to identify potential additional stakeholders with whom to partner, as well as to explore various public and private cooperative platforms that could assist in expanding the reach of the Convention.

9. The Secretariat received a generous financial contribution from the Government of Switzerland to develop, in 2018, a report evaluating past and ongoing partnerships to assist the Conference of the Parties in further developing target-oriented and successful partnerships.

10. The report is expected, among other things, to assess the further potential to engage in strategic partnerships with stakeholders that are observers to the Basel Convention, including the private sector and civil society, towards achieving the objectives of the Basel Convention. Such partnerships would be supportive of Sustainable Development Goal 17, to strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development, complemented by multi-stakeholder partnerships that mobilize and share knowledge, expertise, technology and financial resources, to support the achievement of the Sustainable Development Goals in all countries, in particular developing countries. Stakeholders are also to encourage and promote effective public, public-private and civil society partnerships, building on the experience and resourcing strategies of partnerships.

III. Proposed action

11. The Open-ended Working Group may wish to adopt a decision along the following lines:

The Open-ended Working Group

1. *Takes note* of the information provided by the Basel Convention regional and coordinating centres on the further development of the concept for a follow-up partnership to the Partnership for Action on Computing Equipment at the regional or international level;[8]

2. *Welcomes* the progress made by the household waste partnership working group on the draft modules for the overall guidance document on the environmentally sound management of household waste[9] and requests it to revise the draft modules by 17 December 2018, taking into account discussions of the Open-ended Working Group at its eleventh meeting, for consideration by the Conference of the Parties at its fourteenth meeting;

3. *Requests* the Secretariat to:

(a) Invite, by 31 October 2018, the views of Parties and observers on the potential for stakeholders to contribute to the objectives of the Basel Convention through the establishment of further partnerships or through other means of programmatic cooperation with stakeholders that are observers to the Convention;

(b) Develop, subject to availability of resources and taking into account the views submitted pursuant to paragraph 3 (a) above, as well as the experience of relevant United Nations bodies such as the Economic and Social Council, the United Nations Environment Programme, the Food and Agriculture Organization of the United Nations and multilateral environmental agreements such as the Stockholm Convention on Persistent Organic Pollutants and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, a report evaluating past and ongoing partnerships, and setting out recommendations on opportunities to further develop partnerships under the Basel Convention for consideration by the Conference of the Parties at its fourteenth meeting.

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[5] For more information visit http://web.unep.org/ietc/what-we-do/global-partnership-waste-management-gpwm (accessed 7 May 2018).

[6] For more information visit www.sustainable-recycling.org (accessed 7 May 2018).

[7] For more information visit www.step-initiative.org (accessed 7 May 2018).

[8] UNEP/CHW/OEWG.11/32.

[9] UNEP/CHW/OEWG.11/33.

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Matters related to the work programme of the Open-ended Working Group for 2018–2019: international cooperation and coordination: cooperation with the World Customs Organization on the Harmonized Commodity Description and Coding System

Cooperation with the World Customs Organization on the Harmonized Commodity Description and Coding System

Note by the Secretariat

I. Introduction

1. In paragraph 2 of its decision BC-13/7, the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal requested the Secretariat to continue, under the guidance of the Open-ended Working Group, its cooperation with the Harmonized System Committee and relevant subcommittees of the World Customs Organization in order to facilitate the inclusion of wastes covered by the Basel Convention in the Harmonized Commodity Description and Coding System (Harmonized System) and to report on progress in that regard to the Open-ended Working Group at its eleventh meeting and the Conference of the Parties at its fourteenth meeting.

II. Implementation

2. As was reported to the Conference of the Parties at its twelfth meeting (UNEP/CHW.12/7), at its forty-sixth session, held in Brussels in November 2013, the Harmonized System Review Subcommittee considered a proposal by the Secretariat for amending the Harmonized System (UNEP/CHW.13/INF/19, annex IV) that had been prepared on the basis of information on the types of wastes submitted by the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Peru pursuant to decision BC-10/10 (UNEP/CHW.11/9, annex). As described in the report on the status of work of the World Customs Organization on the Harmonized System related to the Basel Convention (UNEP/CHW.13/INF/19), after extensive discussions on the proposal at its forty-eighth session, held in April 2015, the Harmonized System Review Subcommittee agreed to focus its discussions on how to amend section XVI of the Harmonized System to allow for the classification of electrical and electronic waste. The Subcommittee also agreed that after working on

* UNEP/CHW/OEWG.11/1.

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these amendments it would decide on the possibility of extending its discussions on this topic to other chapters and categories of waste.

3. Progress on the work of the Harmonized System Review Subcommittee regarding the classification of electrical and electronic waste undertaken up to its fifty-first session, held in December 2016, is described in the report on the status of work of the World Customs Organization on the Harmonized System related to the Basel Convention (UNEP/CHW.13/INF/19). During its sessions held in May 2017 and December 2017, the Subcommittee continued discussing possible amendments to the Harmonized System in relation to electrical and electronic waste. As an outcome of these discussions, the Subcommittee forwarded a proposal for the creation of a new heading to classify metal waste and scrap to the Harmonized System Committee for its consideration at its sixty-first session, in February 2018. The outcome of the discussions of the Harmonized System Review Subcommittee at its May and December 2017 sessions and of the Harmonized System Committee at its February 2018 session is summarized in document UNEP/CHW/OEWG.11/INF/34.

4. The sixth review cycle of the Harmonized System will end in June 2019. As described in document UNEP/CHW/OEWG.11/INF/34, the proposed amendments to the Harmonized System in relation to Basel Convention wastes currently under consideration by the Harmonized System Review Subcommittee would provide for the identification of two of the types of waste that were originally included in the proposal for amendment to the Harmonized System that was submitted by the Secretariat to the World Customs Organization in 2013 (UNEP/CHW.13/INF/19, annex IV), namely electrical and electronic waste and waste lead-acid batteries. Given the progress it has made thus far in discussing these amendments, it is unlikely that the Harmonized System Review Subcommittee will have sufficient time during the current review cycle to consider any of the other wastes that were included in that proposal.

5. If a conclusion is reached regarding the amendment to the Harmonized System in relation to electrical and electronic waste during the current review cycle of the Harmonized System, the Harmonized System Review Subcommittee could consider proposals for amendments related to other types of waste during the seventh review cycle, which is due to begin in the second half of 2019. In that regard, the Secretariat would benefit from guidance from Parties as to the types of waste for which a request should be made to the World Customs Organization for codes to be introduced in the Harmonized System and as to whether such a request should also be made for the types of wastes that were included in the proposal submitted to the World Customs Organization in 2013 but that the Harmonized System Review Subcommittee was unable to consider during its sixth review cycle.

III. Proposed action

6. The Open-ended Working Group may wish to adopt a decision along the following lines:

The Open-ended Working Group

1. *Invites* Parties to inform the Secretariat, by 31 October 2018, of the types of wastes covered under the Basel Convention for which it would be useful to request the World Customs Organization to introduce codes in the Harmonized Commodity Description and Coding System;

2. *Requests* the Secretariat to submit the information on the types of wastes received pursuant to paragraph 1 above to the Conference of the Parties to the Basel Convention for consideration at its fourteenth meeting.

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BASEL CONVENTION

Open-ended Working Group of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal
Eleventh meeting
Geneva, 3–6 September 2018
Item 4 of the provisional agenda*
Work programme of the Open-ended Working Group for 2020-2021

Work programme of the Open-ended Working Group for 2020–2021

Note by the Secretariat

I. Introduction

1. At its fourteenth meeting, the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal is expected to adopt the work programme of the Open-ended Working Group for the biennium 2020–2021. In preparation for that process, and in accordance with its usual practice, the Secretariat has prepared a draft work programme for consideration by the Working Group at its eleventh meeting (see annex).

II. Proposed action

2. The Open-ended Working Group may wish to adopt a decision along the following lines:

The Open-ended Working Group

Takes note of the draft work programme of the Open-ended Working Group for 2020–2021[1] and transmits it to the Conference of the Parties for consideration and possible adoption, with any amendments, at its fourteenth meeting.

* UNEP/CHW/OEWG.11/1.

[1] UNEP/CHW/OEWG.11/13/Rev.1, annex.

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Annex

Draft work programme of the Open-ended Working Group for 2020–2021

Topics	*Activities*	*Mandate*	*Priority*
I. Strategic issues			
A. Strategic framework	Consider a draft report on the final evaluation of the strategic framework for consideration by the Conference of the Parties at its fifteenth meeting	Decision BC-13/1 Decision BC-14/[…]	High
B. Development of guidelines for environmentally sound management	1. Review the progress made in the implementation of the work programme of the expert working group on environmentally sound management 2. Consider the draft documents developed by the expert working group on environmentally sound management	Decision BC-14/[…]	High
II. Scientific and technical matters			
A. Technical guidelines	1. Consider comments and information relating to a review of provisional low persistent organic pollutant content values in the general technical guidelines referred to in decision BC-14/[…] and other technical guidelines, as appropriate	Decision BC-14/[…]	High
	2. Update the general technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants and prepare or update specific technical guidelines with regard to the chemicals listed in Annexes A and C to the Stockholm Convention on Persistent Organic Pollutants by decisions SC-9/[…] and SC-9/[…] of the Conference of the Parties to the Stockholm Convention, including the following: (a) Establishment of levels of destruction and irreversible transformation for the chemicals necessary to ensure that when disposed of they do not exhibit the characteristics of persistent organic pollutants specified in paragraph 1 of Annex D to the Stockholm Convention; (b) Determination of which disposal methods constitute environmentally sound disposal as referred to in paragraph 1 (d) (ii) of Article 6 of the Stockholm Convention;	Decision BC-14/[…]	High
	(c) Establishment, as appropriate, of the concentration levels of the chemicals in order to define for the Stockholm Convention low persistent organic pollutant content as referred to in paragraph 1 (d) (ii) of Article 6 of the Convention		
	3. Consider the draft updated technical guidelines on incineration on land (D10) and on specially engineered landfill (D5)	Decision BC-14/[…]	Medium

Topics	*Activities*	*Mandate*	*Priority*
	4. Consider the draft updated technical guidelines on hazardous waste physico-chemical treatment (D9) and biological treatment (D8)	Decision BC-14/[...]	Medium
B. Electronic approaches to the notification and movement documents	1. Consider the outcome of activities undertaken by the Secretariat on a Basel Convention electronic system for the notification and movement of hazardous and other wastes	Decision BC-14/[...]	Medium
	2. Consider whether to initiate a process under the Basel Convention for establishing such a system	Decision BC-14/[...]	Medium
C. Marine plastic litter and microplastics	Consider work that may be carried out and, subject to the availability of resources, undertake the activities outlined in decision BC-14/[...] on marine plastic litter and microplastics	Decision BC-14/[...]	High
D. Waste containing nanomaterials	Consider progress made and work that may be carried out in relation to waste containing nanomaterials	Decision BC-14/[...]	Medium
III. Legal, governance and enforcement matters			
A. Consultation with the Committee Administering the Mechanism for Promoting Implementation and Compliance	Consult with the Committee on the activities of its 2020–2021 work programme, as provided in decision BC-14/[...], and on other matters as decided by the Committee	Decision BC-14/[...]	High
B. Providing further legal clarity	1. Consider progress made and provide guidance to the expert working group on the review of Annexes I, III and IV and related aspects of Annex IX to the Basel Convention	Decision BC-14/[...]	High
	2. Consider work that may be carried out to review Annexes II, VIII and IX to the Convention	Decision BC-14/[...]	Medium
IV. International cooperation and coordination			
A. Basel Convention Partnership Programme	1. Consider a report from the Basel Convention regional and coordinating centres on the implementation of activities listed in the work programme set out in the concept note on a follow-up partnership to the Partnership for Action on Computing Equipment and follow-up to decision BC-13/12	Decision BC-13/12 Decision BC-14/[...]	Medium
	2. Consider progress made and provide guidance on the implementation of the workplan of the household waste partnership working group	Decision BC-14/[...]	High
	3. Consider progress made on the further development of partnerships under the Basel Convention	Decision BC-14/[...]	High
B. Cooperation with the World Customs Organization on the Harmonized Commodity Description and Coding System	Consider progress made with regard to the inclusion of Basel Convention wastes in the World Customs Organization Harmonized Commodity Description and Coding System	Decision BC-14/[...]	Medium

Topics	*Activities*	*Mandate*	*Priority*
V. Programme of work and budget			
Financing and budget for the biennium 2020–2021	Consider the report by the Secretariat on the status of the implementation of decision BC-14/[…] on the programme of work and budget of the Basel Convention for the biennium 2020–2021	Decision BC-14/[…]	Medium